



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/828,506

04/06/2001

Owen Lynn

VIRAGE.033A

6821

20995

7590

08/30/2006

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

TO, BAOQUOC N

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,506

Applicant(s)

LYNN ET AL.

Examiner

Baoquoc N. To

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-47, 52-60 and 63-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36-41 is/are allowed.
- 6) ☒ Claim(s) 42-47, 52-60, 63 and 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 48-51 and 61-62 are canceled and claim 42 is in the amendment filed 08/14/2006. Claims 36-41 are previously allowed. Claims 42-47, 52-60 and 63-64 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 42 and 52 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 42-47, 52-60 and 63-64 are rejected under 35 U.S.C. 102(e) as being by Hoffert et al. (US. Patent No. 6,370,543 B2)

Regarding on claim 42, Hoffert teaches a method of video spidering, comprising:
dynamically identifying a script associated with at least one video on a packet switched network, wherein the script comprises a executable software program ((a new

Art Unit: 2162

site is found by the crawler, the crawler parsed the java script to identify the video content) (col. 4, line 28);

 parsing the identified script associated with the video (the java script is parsed to identify the video or media content) (col. 3, lines 45-51);

 Executing the parsed script to identify a container file (in order to identify video or media, the java script need to be executed) (col. 4, line 28);

 Parsing the identified container file (parsing the URL to identify the video or media) (col. 5, lines 3-6);

 Evaluating the parsed container file to identify a location identifier of video content (the URL identify the location of the video or media) (col. 5, lines 3-6); and

 Storing the location identifier associated with the video content (stored the video or media with unique URL) (col. 5, lines 3-6).

 Regarding on claim 43, Hoffert teaches the method recited in claim 42, wherein evaluating the parsed container file comprises excluding advertising content (only video or media URLs are required to parsed) (col. 5, lines 3-6).

 Regarding on claim 44, Hoffert teaches the method recited in claim 42, wherein additionally comprising launching video content for playback on a visual display according to the location identifier (all stream video or media is allowed play back) (col. 55-67).

 Regarding on claim 45, Hoffert teaches the method defined in claim 44, wherein launching the content comprises invoking a specified coded video player of a site containing the identified video based on the location identifier (col. 5, lines 3-6).

Art Unit: 2162

Regarding on claim 46, Hoffert teaches the method recited in claim 44, wherein the script is programmed in Java script or Visual Basic script (java script) (col. 4, lines 28).

Regarding on claim 47, Hoffert teaches the method recited in claim 42, wherein the location identifier is a video uniform resource locator (URL) (col. 5, lines 3-6).

Regarding on claim 59, the method defined in claim 42, wherein the script is executed by a processor (java script is an application which required processor to executed) (col. 4, line 28).

Regarding on claim 60, the method defined in claim 42, wherein the script is executed by browser applet (internet web browser) (col. 2, line 62).

Regarding on claim 52, Hoffert teaches a method of video spidering, comprising:
dynamically identifying a script associated with at least one video on a network, wherein the script comprises a software program (a new site is found by the crawler, the crawler parsed the java script to identify the video content) (col. 4, line 28);

parsing the identified script associated with the video (each new page which is parsed is searched for media file references) (col. 3, lines 33-34);

Executing the parsed script to identify content (each of the media for example video or audio which required special application to execute in order to allow the parser to parse the locate the contain) (col. 3, lines 48-51));

Grouping together differently encoded versions of the content (all of video or audio are group together according to the parser) (fig. 1);

selectively indexing the grouped versions of the content (all video are grouped) (fig. 1);

Obtaining a location identifier associated with the content (each of the video has a specific URL address or the extension of parent address plus the location of the file) (col. 10-13); and

Storing the location identifier (indexes for the URL is created and stored) (col. 4, lines 15-16).

Regarding on claim 53, Hoffert teaches the method recited in claim 52, wherein the script is programmed in Java script or Visual Basic script (java) (col.4, line 28).

Regarding on claim 54, Hoffert teaches the method recited in claim 52, additionally comprising launching the identified content for playback on a visual display according to the location identifier (all video or media allow playback mechanism) (col. 6, lines 55-67).

Regarding on claim 55, Hoffert teaches the method recited in claim 54, wherein launching the identified content comprises invoking a specific coded video player of a site containing the identified video (coded video require specific video player for playback) (col. 6, lines 55-67).

Regarding on claim 56, Hoffert teaches the method recited in claim 52, wherein the differently encoded versions of the content vary by bit rate (col. 9, lines 20-40).

Regarding on claim 57, Hoffert teaches the method recited in claim 52, wherein the differently encoded versions of the content vary by video player format (col. 9, lines 20-40).

Art Unit: 2162

Regarding on claim 58, Hoffert teaches the method recited in claim 52, wherein the selectively indexing comprises applying a selection criterion to select one best differently encoded version of the content (categorizing different video content) (col. 4, lines 50-52).

Regarding on claim 63, Hoffert teaches the method defined in claim 42, wherein the script is executed by a processor (java script is an application which required processor to executed) (col. 4, line 28).

Regarding on claim 64, Hoffert teaches the method defined in claim 42, wherein the script is executed by browser applet (internet web browser) (col. 2, line 62).

Allowable Subject Matter

4. Claims 36-41 are allow over the prior art made of records.

The following is a statement of reasons for the indication of allowable subject matter:

As to claim 36, None of the known prior art neither teaches or suggests “ a uniqueness check process configured to check the generated location identifier against the known location identifiers, and eliminate the generated location identifier if it is not unique or predetermined properties have not changed in reference to a known location identifier in the storage; a group process configured to group together differently encoded versions of the video content varying by bit rate or player format, and apply a selection criterion to select one best differently encoded version of the video content; and a harvesting process configured to generate a time-based index of the one best differently coded version of the video content, and storing a location

Art Unit: 2162

identifier, corresponding to the indexed video, in the storage as a known location identifier” and in conjunction with “a spidering process configured to dynamically identify a script associated with at least one video on a network, parse the script associated with the video, execute the parsed script to identify video content, and evaluate the executed script to generate a location identifier of the video content; a storage configured to store known location identifiers;”

As to claim 37, None of known prior art alone or in combination neither teaches nor suggests “generating a time-based index of the video, wherein the time-based index is generated by determining an absolute time from the beginning of the video, comprising adding a delta time, the delta time representing the time from the beginning of the video to the time when metadata capture begins, to a timecode of the metadata” and in conjunction with “traversing a set of hyperlinked documents by following the hyperlinks from one page to the next so as to identify existence of digital video; identifying multiple versions of a video prior to indexing; and storing the time-based index in a repository along with a hyperlinked location identifier associated with the video being indexed.”

Claims 38-41 are depended on claim 37, therefore, they are allowed under the same reason as claim 37.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-

Art Unit: 2162

mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) -273-8300 [Official Communication]

BQ To

August 28th, 2006

Leslie Wong
Primary Examiner